

VIOLA WIGGINS,

Plaintiff,

v.

CAROLYN W. COLVIN,
Acting Commissioner of
Social Security Administration,

Defendant.

THIS MATTER IS BEFORE THE COURT on the “Joint Motion For Attorney Fees Under The Equal Access To Justice Act” (Document No. 24) filed January 30, 2014. This motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and immediate review is appropriate. Having carefully considered the motion and the record, and noting consent of the parties, the undersigned will grant the motion.

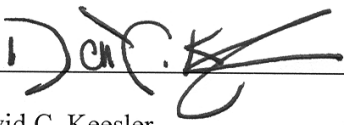
Pursuant to the power of this Court to award fees to a prevailing party, other than the United States, incurred by that party in a civil action against the United States, including proceedings for judicial review of agency action, under the Equal Access to Justice Act (“EAJA”), 28 U.S.C. § 2412(d)(1)(A), and in light of this Court’s January 15, 2014 Order remanding this case to Defendant for further administrative proceedings,

IT IS HEREBY ORDERED that the United States Social Security Administration shall pay attorney's fees in the amount of four thousand, four hundred, eight-six dollars, and twenty-five cents (\$4,486.25) in full satisfaction of any and all attorney's fee claims Plaintiff may have in this case under EAJA. Pursuant to the United States Supreme Court's ruling in Astrue v.

Ratliff, 130 S. Ct. 2521 (2010), these attorney's fees are payable to Plaintiff as the prevailing party, and are subject to offset through the Treasury Department's Offset Program to satisfy any pre-existing debt Plaintiff may owe to the government. If, subsequent to the entry of the Court's EAJA Order, the Commissioner determines that Plaintiff owes no debt to the government that would subject this award of attorney fees to offset, the Commissioner may honor Plaintiff's January 24, 2013 signed assignment of EAJA fees providing for payment of the subject fees to Plaintiff's counsel, rather than to Plaintiff. If, however, the Commissioner discovers that Plaintiff owes the government any debt subject to offset, the Commissioner shall pay any attorney fees remaining after such offset to Plaintiff, rather than to counsel.

SO ORDERED.

Signed: January 30, 2014



David C. Keesler
United States Magistrate Judge

